United Nations A/HRC/39/NGO/119

General Assembly

Distr.: General
3 September 2018

English only

Human Rights Council
Thirty-ninth session
10-28 September 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14469(E)
1814469

Please recycle

Massive restriction of human rights in Hungary

At the end of June, the Hungarian government fleshed out specific measures to restrict the work of civil society organizations and to harass refugee workers – as the country's Prime Minister Orbán had been announcing since 2014 – despite outrage and protests on the part of many NGOs and civil society organizations. Orbán made the parliament adopt a package of legislative and constitutional amendments under the name "Stop Soros" (referring to a US investor of Hungarian origin, George Soros, who supports civil rights organizations and political activists all over the world), which allows to criminalize civil society organizations by accusing them of "facilitating illegal migration". The Prime Minister accused Soros of trying to help millions of refugees to settle in Europe.

At the same time, there will be amendments to the criminal code (allowing the prosecution of refugee workers who "promote illegal migration"), as well as restrictions on the right of asylum and freedom of assembly.
In addition, the Hungarian parliament passed a so-called "special immigration tax": a 25 percent penalty tax on all income of non-governmental organizations that "promote illegal migration". Article five of the Hungarian Constitution now states that the "settlement" of foreign peoples is prohibited.

Due to the new NGO-law, civil society organizations that receive more than 23,000 EUR p.a. from abroad are obliged to register. In addition, they have to refer to their organizations as "foreign-funded organizations" in all their publications and on their websites – and a 25% "special immigration tax" will be levied on all donations from abroad. In future, NGOs that provide assistance for refugees will also have to apply for a permit from the Ministry of the Interior. Hungarians who provide assistance to refugees as private persons will no longer be allowed access to an eight-kilometer-wide strip along Hungary's Schengen border. The law aims to keep organizations and private individuals from helping refugees, which is seen as "promoting illegal migration". Repeated violations can lead to prison sentences of up to one year.

It is the Prime Minister's declared goal to "protect Hungary from migrants", and Hungary has refused to agree to a mandatory redistribution of refugees within the EU for years. Due to the lack of willingness to participate in the redistribution of 120,000 refugees – agreed upon by the EU member states in 2015 – the EU Commission has already brought forth an ECJ action against Hungary, the Czech Republic, and Poland. Hungary was sued before the European Court of Justice (ECJ). This was the final step in the so-called infringement procedure which was initiated in December 2015. Among other things, the European Court of Justice admonished that Hungary had carried out asylum procedures in transit zones along the country's borders. This was seen as a violation of EU law because the maximum duration of four weeks was not respected and because there are no guarantees for especially vulnerable people.

Our human rights organization has been criticizing the way Hungary treats minorities for years, especially the Sinti and Roma. Their situation still gives cause for serious concern. In Hungary, Sinti and Roma are ostracized and discriminated in many ways, and they are systematically disadvantaged within the Hungarian society – particularly in the areas of work, access to housing, health, and education.

The Hungarian civil society organizations are important pillars of independent control of power, and, thus, a significant obstacle for those in power – such as Viktor Orbán, whose efforts to restructure the state are authoritarian in character, and accompanied by corruption and non-transparency. From our point of view, this development is a fundamental attack on the human rights principles of the EU. The constitutional amendment puts fundamental values such as equal rights and respect for human rights at risk.

Therefore, Society for Threatened Peoples would like to ask the UN Human Rights Council to urge the Hungarian government to:

- To override the adopted legislative package to ensure that NGOs and civil society organizations will be able to keep up their human rights work.
- Commit itself to a solution-oriented refugee policy at European level, strengthening the rights of minorities. As a member of the European Union, Hungary should participate in current joint solution attempts to help people who need protection. Hungary must be called upon to open escape routes for refugees. Further, Hungary should finally initiate measures to improve the living conditions of the Sinti and Roma, enabling them to participate in public life.